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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

In re ISIAIAH P., A Person Coming Under The
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

ISIAIAH P.,

Defendant and Appellant.

F043850

(Super. Ct. No. BJL014755-A)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Madera County. John W. DeGroot, Judge.

William A. Malloy, under appointment by the Court of Appeal, for Defendant and Appellant.

Bill Lockyer, Attorney General, Robert R. Anderson, Chief Assistant Attorney General, Mary Jo Graves, Assistant Attorney General, Janis Shank McLean and Brook A. Bennigson, Deputy Attorneys General, for Plaintiff and Respondent.

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* Before Harris, Acting P.J., Wiseman, J., and Levy, J.

On July 15, 2003, a petition was filed pursuant to Welfare and Institutions Code section 602 alleging that Isaiah P. cultivated marijuana in violation of Health and Safety Code section 11358. After a contested adjudication hearing on August 7, 2003, the juvenile court found the allegation true. At the conclusion of the jurisdictional hearing on August 21, 2003, the juvenile court ordered Isaiah's commitment for 120 days to juvenile hall with 42 days of custody credits. On appeal, Isaiah contends there was insufficient evidence to sustain the petition.

FACTS

On July 11, 2003, Probation Officer Mark Heredia went to conduct a probation search at the apartment shared by Isaiah, his mother, and his brother. Isaiah and his mother were present while Heredia conducted the search. In Isaiah's bedroom, Heredia found marijuana stems, rolling papers, marijuana seeds, empty cigar wrappers, and tobacco from cigars. Heredia found two air purifiers, a large fan, and a towel rolled up for the base of the bedroom door.

Heredia found a potted marijuana plant on the balcony off the living room. Probation Officer Stacey LaFontaine was also involved in the probation search of Isaiah's apartment. LaFontaine determined that the pot contained seven plants, two of which were two feet tall. The other five plants were two inches tall. LaFontaine estimated that the taller plants were two to four months old and the smaller plants were about one month old.

LaFontaine read Isaiah his *Miranda* rights.¹ Isaiah agreed to talk to LaFontaine. Isaiah told LaFontaine he was not sure to whom the plants belonged. Isaiah said that he thought his brother was keeping the plants for "some guy" Isaiah did not know. Isaiah told LaFontaine he smokes marijuana daily, he had been routinely smoking marijuana

¹ *Miranda v. Arizona* (1966) 384 U.S. 436.

since the fourth grade, and that once the marijuana plant was fully grown he planned on smoking it.

DISCUSSION

Isaiah contends there was insufficient evidence adduced at trial that he was guilty of cultivating marijuana. Isaiah's trial counsel argued that there was no evidence, for instance, that Isaiah had planted or cultivated the plant. The juvenile court found that Isaiah was either guilty as a co-conspirator or as an aider and abettor. Isaiah argues that neither of these theories supports his conviction for cultivating marijuana.

When an appellant attacks the sufficiency of the evidence to support a conviction, the appellate court examines the entire record in the light most favorable to the judgment. We presume, in support of the judgment, the existence of every fact that can reasonably be deduced from the evidence. Substantial evidence includes circumstantial evidence and the reasonable inferences which can be drawn therefrom. If the circumstances reasonably justify the findings of the trier of fact as to each element of the offense, an opinion of the reviewing court that the circumstances may lead to a contrary finding does not warrant reversal. Appellate courts make all reasonable inferences to support the findings of the juvenile court and review the record in the light most favorable to the juvenile court order. (*In re Leland D.* (1990) 223 Cal.App.3d 251, 258.)

A person aids and abets the commission of a crime when he or she (1) with knowledge of the unlawful purpose of the perpetrator and (2) with the intent or purpose of committing, encouraging, or facilitating the commission of the crime, by act or advice, aids, promotes, encourages or instigates the commission of the crime. (See *People v. Maury* (2003) 30 Cal.4th 342, 431.) Merely assisting the perpetrator is insufficient if the aid is given without knowledge of the perpetrator's criminal purpose. The aider and abettor is chargeable as a principal. (See *People v. Snyder* (2003) 112 Cal.App.4th 1200, 1220.)

Though Isaiah denied bringing the plant into the apartment, he admitted to the probation officer that he planned on harvesting the marijuana from the plant and smoking it as soon as it was large enough. By implication, the juvenile court could reasonably infer that Isaiah was also admitting that he would be caring for the plant until it was ready for harvest. Probation officer Heredia found marijuana stems, rolling papers, marijuana seeds, two air purifiers, a large fan, and a towel rolled up for the base of the bedroom door. Isaiah admitted he had been routinely smoking marijuana since fourth grade and was currently smoking it daily. Taken together, these facts support Isaiah's conviction for cultivating marijuana on an aid and abet theory.²

Marijuana plants do not grow in containers by chance. When such plants are found growing on a deck on premises controlled by the defendant, it is reasonable to infer that those who controlled and occupied the premises had something to do with the planting, the cultivation, or the care of the plant or plants. (*People v. Vermouth* (1974) 42 Cal.App.3d 353, 362.)

Probation Officer LaFontaine testified that the taller plants in the pot were two to four months old. If the plants had been in Isaiah's residence that long, the juvenile court could reasonably infer that Isaiah participated in the cultivation of the plants. Isaiah admitted that he was going to harvest the plant and then smoke it. Even if the juvenile court concluded that Isaiah did not bring the marijuana plants into his home, his admission was evidence that Isaiah shared the knowledge and the criminal purpose of the

² Because the juvenile court's ruling that Isaiah was guilty of cultivating marijuana on an aid and abet theory is supported by substantial evidence, we do not reach the court's alternative ruling that Isaiah was guilty on a conspiracy theory. If the result reached by the trial court, or in this instance the juvenile court, is correct on any theory, appellate courts will affirm the judgment whether or not the lower court's reasons were correct. (*People v. Zapien* (1993) 4 Cal.4th 929, 976.)

perpetrator. There was sufficient evidence adduced during the hearing that Isaiah aided and abetted the cultivation of marijuana.

DISPOSITION

The orders of the juvenile court are affirmed.